



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2205354

Applicant Name: Bob Scott

Address of Proposal:

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into eight (8) lots (unit subdivision). Proposed lot sizes are: A) 1,428.2 square feet, B) 1,049.4 square feet, C) 1,049.8 square feet, D) 1,513.4 square feet, E) 1,513.3 square feet, F) 1,050.1 square feet, G) 1,049.2 square feet; and H) 1,428.2 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: administrative conditional use to establish use for eight single family residences under MUP No. 2006121, and construct eight single family houses and occupy per plans, under Project No. 2108693.

Short Subdivision - to subdivide one existing parcel into eight lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 10,081.6 square foot property is midblock along 24th Avenue S., between S. Holgate St. to the north and S. Plum Street to the south. It abuts a platted 16-foot alley to the west. Pedestrian

access is direct to two of the units off 24th Avenue S. Pedestrian access to the remaining units is via a central pedestrian and utility easement from 24th Avenue S. Vehicle access to the site and to the surface parking for six of the units is also provided off the paved, 16-foot alley. Vehicle access to two of the residential units is by means of separate curb cuts directly from 24th Avenue S. 24th Avenue S. adjacent the property is paved and partially improved with sidewalks on both sides of the street, but without curbs and gutters. The applicant is improving the right-of-way adjacent the front of his property with the addition of curbs, gutters, sidewalk and street trees. There are four detached single family houses and two townhouse structures with two attached townhouse residences in each. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject property and lots to the north and south and across 24th Avenue S. are zoned Commercial with a 40-foot height limit (C1-40'). Between the alley to the west and Rainier Avenue S., which runs diagonally to the southeast a block and a half to the west, the zoning is Commercial 1 with a 65-foot height limit (C1-65'). A half a block to the north, on the north side of S. Holgate Street, the zoning is lowrise multifamily residential (L-1). Many of the underutilized commercial property in the immediate and near vicinity are occupied with small single family residential structures. The site is within the North Rainier Hub Urban Village and its residential development is compatible within the goals and policies set forth in the North Rainier Neighborhood Plan (February, 1999). The subject site has been allowed to provide single-purpose residential structures as an Administrative Conditional Use (MUP Permit #2006121).

Proposal Description

The proposal is to subdivide one parcel into eight (8) unit subdivision lots with vehicle access provided from the adjacent alley to the west of the property and off 24th Avenue S. Four single-family structures and two two-unit townhouse structures already have been, or are in the process of being constructed on the site. Parking for Unit Lots B and G will be provided as surface parking on Unit Lots D and E respectively. Within the parent lot of a unit-lot subdivision, required parking for a dwelling unit may be provided on a unit lot different from the lot with the dwelling unit as long as the right to use that parking is formalized by an easement on the recorded plat SMC 23.24.045 E). Proposed lot sizes are as indicated in the summary above. Each of the proposed lots has pedestrian access to 24th Avenue West and to the alley either directly or via a pedestrian easement.

Note that the construction of the four single family and two two-unit townhouse structures has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (No. 2108693). The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on November 6, 2002. During the public comment period, DCLU received no comments related to this project from the public.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned commercial, but single-purpose residential use has been granted under an Administrative Conditional Use decision (MUP #2006121). Single-purpose residential structures are subject to mixed-use development standards whether permitted outright or by conditional use in a commercial zone. The residential units comply with the density limits for residential uses in the C1 zone. The proposed parcels provide for the applicable open space requirements, setback requirements, lot-coverage requirements, and other Land Use Code development standards.
2. Six of the lots have vehicular access via a sixteen (16) foot wide asphalt-concrete alley adjacent to the rear (west) of the subject property and two units via curbcuts and driveways directly off 24th Avenue S. The applicant shall provide a curb, planting strip, sidewalk and street trees along the eastern margin of the property, consistent with the requirements of the Code. In addition, the applicant will be required to dedicate a two-foot strip of land abutting the alley and to make improvements to the alley as determined by the Seattle Department of Transportation (SDOT). The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and

service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on October 31, 2002. Individual water meters are to be installed following approval of this platting action and approval of addresses for each townhouse unit. Each of the structures on the site are connected via a side sewer to a 12-inch public combined sewer (PS) located in 24th Avenue South. The PS is the appropriate point for stormwater discharge from any development upon the proposed short plat. Plan review requirements were made at the time of building permit application.
4. One objective of the Administrative Conditional Use review is to insure that the single purpose residential use in the commercial zone only occurs where, among other considerations, there is substantial excess supply of land available for commercial use near the proposed site. Further, the use must be determined not to be materially detrimental to the public welfare or injurious to property in the same zone or vicinity in which the property is located. The suitability for single-purpose residential use on this site has been affirmed through the issuance of MUP #2006121. The proposed short subdivision has been determined to be consistent with the policies underlying the administrative conditional use review and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Provisions shall be made so that addresses for each of the individual units are clearly visible from 24th Avenue S. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the mixed character of the neighborhood.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. The site has undergone substantial redevelopment, including replanting under landscape plans approved under MUP #2006121 and construction application #2108693. The subdivision of land was anticipated under those applications and the new plantings undertaken in conformance to those landscape plans will not be disturbed by this action. Thus the provision requiring that the subdivision be designed to maximize the retention of existing trees will be met.

7. The subject site has been improved with a four single-family and two two-unit townhouse residential structures. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots, and the dwelling units constructed on this site constitute non-conforming structures pursuant to SMC 23.42.112. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Code Provisions has been reviewed under Construction Permit No. 2108693. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B and C, D, E, F, G and H are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and emergency egress easements as necessary. Therefore, the proposed short subdivision conforms with the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the C1-40' zone. The development when considered as a whole, however, does meet all standards as set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Indicate on the plat the location of a street address sign, containing the assigned addresses for the six residential units located behind the residential units on unit lots A and H, clearly visible from 24th Avenue S., shall be placed near 24th Avenue S. within the pedestrian and utility easement. Alternatively, the street addresses of each of these units shall be attached on the street-facing facades of the structure(s) on Unit Lot A and/or Unit Lot H, or on some other structure, and be secured to the addressed units and their maintenance assured through a covenant and/or additional easement(s) to be included in the plat.
2. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
3. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots, and the dwelling units constructed on this site constitute non-conforming structures pursuant to SMC 23.42.112. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
4. Submit the final recording forms for approval and any necessary fees.

Signature: (signature on file) Date: March 24, 2003
Michael Dorcy, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services